

COMMITTEE ON HUMAN SERVICES

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* Strike-everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause

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HB 2211 – Chapter 42 – children; temporary court orders

Allows the courts to issue temporary orders of custody and parenting time pending a judicial determination of paternity. Specifies that temporary orders do not prejudice a person's or child's rights at future hearings. Temporary orders may be revoked or modified, and terminate once the final order is issued or the petition for custody or parenting time is dismissed.

HB 2212 – Chapter 72 – sibling information exchange program

Establishes the Sibling Information Exchange Program (Program) to facilitate contact between a former dependent child and the child's sibling or siblings, and sets forth guidelines for providing information about the Program. The Program is established by the Administrative Office of the Courts and becomes effective January 1, 2008.

- Allows the following individuals to participate in the Program: an adult who was formerly adjudicated dependent; the adoptive parent, guardian or biological parent of a juvenile who was formerly adjudicated dependent; the adult sibling of a child who was formerly adjudicated dependent.
- Requires the court to provide information about the Program to adoptive parents at the time an adoption is finalized, to guardians when legal guardianship is established, and at a periodic review hearing if the court determines at the hearing that the child is no longer dependent.
- Requires participants to use a certified confidential intermediary and prescribes guidelines the confidential intermediary must follow. Prohibits confidential intermediaries from contacting individuals under 18 years of age.
- Stipulates that a former dependent child may file an affidavit with the court, if contact is not wanted. Allows the former dependent child to later withdraw the affidavit in writing or file a new affidavit to indicate permission to establish contact.
- Utilizes monies collected in the Confidential Intermediary and Fiduciary Fund to pay for Program costs.
- Requires the Supreme Court to adopt rules to implement the Program.
- Defines *former dependent child* and *sibling*.

HB 2214 – Chapter 14 – domestic relations; social security numbers

Redacts Social Security Numbers from pleadings, petitions, and documents related to child support and requires them to be filed separately on a sensitive data sheet consistent with the requirements of the Arizona Rules of Family Law.

HB 2246 – Chapter 119 – employment security; appeals board

Eliminates the requirement for the Department of Economic Security (DES) to prepare written transcripts of cases heard by its Board of Appeals and permits an electronic recording of the proceedings as a valid record.

- Eliminates the requirement for a transcript to be included when DES is filing a petition for a case review by the Board of Appeals.
- Requires the DES appeal tribunal to provide a means for recording all hearings at the Department's expense. Allows recordings to be made by a court reporter or electronically.

- Directs DES to transcribe a hearing if a party files an application with the Arizona Court of Appeals, given that a transcription is not already available.
- Permits hearing dates to be rescheduled only if both parties consent to the change or upon showing of good cause.

HB 2247 – Chapter 120 – TANF; diversion program; sanctions

Makes changes to the Department of Economic Security's (DES) diversion option program and requires DES to submit an annual report. Specifies that recipients of cash assistance must comply with work activities requirements in order to maintain benefit eligibility.

- Differentiates the short-term *diversion option* from long-term *cash assistance*.
- Allows applicants of the diversion option to utilize DES employment services for 90 days after the initial application is submitted.
- Clarifies that the one-time diversion option payment is equal to three times the amount of monthly cash assistance.
- Requires DES to submit an annual report to JLBC beginning in FY 2008-09. The report must include the number of recipients provided services under the diversion option, the number of recipients who reapply for long-term cash assistance within 180 days after initially participating in the program, and the number of recipients who obtained employment within 90 days of receiving assistance under the diversion option.
- Requires recipients of all forms of cash assistance to comply with work activities requirements to continue benefit eligibility and avoid sanctions.

HB 2248 – Chapter 245 [P 108] – Title IV-D services; fee

Requires the Department of Economic Security (DES) to assess an annual fee of \$25 for child support enforcement services that result in child support payments of \$500 or more.

- Requires DES to charge a \$25 annual fee to the recipient of child support enforcement services (*obligee*) who has never received public assistance.
- Assesses the fee only if the obligee receives child support payments of \$500 or more per year.
- Specifies that the fee is withheld from the first child support payment to exceed \$500.
- Requires DES to transmit 66 percent of each fee to the federal government and deposit the remainder in a child support enforcement administration fund.
- Exempts the obligee from paying the \$25 fee if the obligee resides in a foreign country, and instead charges the obligor if the obligor has never received public assistance.
- Contains a Proposition 108 clause.

HB 2249 – Chapter 246 – child support enforcement

Makes changes to the administration of child support enforcement by allowing the Department of Economic Security (DES) to suspend the licenses of child support obligors and expedite the process for administratively releasing a lien.

License Suspension

- Specifies that driver and recreational licenses may be suspended for child support in arrears 6 months or more and eliminates the requirement for DES to send a second notice to the obligor of pending suspension or denial of a driver or recreational license.
- Allows DES to issue a notice to an obligor at least 6 months in arrears stating their professional license may be suspended. Requires DES to issue an administrative order of noncompliance to the professional licensing board or agency if the obligor fails to respond, directing the board or agency to suspend the professional license of the obligor.
- Requires DES to hold an administrative review if requested by the obligor and entitles the obligor to a hearing at the Office of Administrative Hearings (OAH) if the obligor disagrees with the outcome of the administrative review.
- Specifies that the license remains valid until OAH reaches a determination.
- Requires DES to send a notice of compliance to the licensing board or agency once the obligor pays the amount in arrears or enters into a written agreement with DES.

Liens

- Allows DES to sign a release of a lien without the signature of the obligee when DES is the holder of the lien and the obligee either cannot be located or refuses to sign.
- Requires a copy of the release be mailed to the obligee's last known address.

HB 2250 – Chapter 73 – domestic relations; child support; committees

Continues the Child Support Committee and the Domestic Relations Committee through December 31, 2017. Allows the Director of the Administrative Office of the Courts to appoint a designee as a member of the Child Support Committee and allows an administrative officer of the Supreme Court to appoint a designee as a member of the Domestic Relations Committee.

HB 2263 – Chapter 43 – *CPS; required information

Mandates CPS workers to inform the parent, guardian or custodian under investigation of the specific complaint or allegation made against them, their rights and the rights of the CPS worker during an investigation of child abuse or neglect. The information must be provided both verbally and in writing. Requires the CPS worker to make a reasonable effort to obtain written acknowledgement from the parent, guardian, or custodian that they have received the information.

HB 2587 – Chapter 235 – in-home care providers study committee

Establishes the 12-member In-Home Care Providers Study Committee and outlines membership and duties. Contains a repeal date of Oct. 1, 2008.

- Requires the study committee to make recommendations for in-home service providers regarding the following issues:
 - Basic training requirements.
 - Necessity of basic education requirements and continuing education.
 - Development of ethical and sensitivity training.
 - Appropriate level of regulation for in-home care providers.
 - Necessity for fingerprinting and background checks.

- Mandates a report of the findings and recommendations be submitted to the Governor and Legislature by August 31, 2008, and a copy be filed with the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

HB 2594 – Chapter 181 – domestic relations; support judgments; interest

Specifies that interest does not accrue on child support obligations that are due from the time prior to the issuance of the support order.

HB 2635 – Chapter 202 – *custodial rights; deployed military

Requires the deployment of a custodial parent to be considered when entering a child custody order and establishes that if the child relocates outside the United States during the deployment of the custodial parent, Arizona remains the child's home state until the deployment ends.

- States that a child custody order entered in contemplation of a parent's military deployment must specifically reference the deployment and provide for the child's custody after the deployment ends. Deployment must be outside the continental United States.
- Allows either parent to petition the court to modify a custody order after deployment ends.
- Requires the Court to hold a hearing or conference on a petition to modify a custody order within 30 days after the petition is filed.
- States that if Arizona is the home state of the child at the time the parent deploys, and if the child moves outside the United States during the time of the deployment, then Arizona remains the child's home state until the deployment ends.

SB 1158 – Chapter 156 – CPS; investigations; other jurisdictions

Requires courts to consider substantiated allegations of child abuse or neglect committed in other jurisdictions and authorizes CPS workers to pursue information concerning allegations of abuse or neglect committed in other states by contacting the appropriate agencies in other states.

SB 1227 – Chapter 100 – domestic violence; lease termination

Allows a tenant to terminate a rental agreement if the tenant has been a victim of domestic violence on the premises and sets forth guidelines relating to the tenant's and landlord's rights and obligations.

Early Termination

- Requires the tenant to submit written notice to the landlord within 30 days after the domestic violence incident occurred.
- Requires the tenant to additionally provide the landlord with one of the following:
 - A copy of a protective order. The landlord may request a receipt or signed statement that the protective order was submitted to a court officer.
 - A copy of a written law enforcement report. The report must indicate that the law enforcement agency was contacted by the domestic violence victim.
- Permits the landlord to request the name and address, if known by the victim, of the alleged offender who is named on the protective order or police report.
- Acknowledges that upon providing notice and supporting documents, the tenant's rights and obligations under the rental agreement are terminated.

- Specifies that a protective order or emergency protective order applies to the entire residential property and also applies to all tenants under the lease agreement.
- Specifies that the release date of the agreement must be mutually agreed upon by both the tenant and the landlord and be no later than 30 days after the notice is submitted.
- Maintains the landlord's right to terminate a lease for a tenant's noncompliance unrelated to acts of domestic violence.
- Clarifies other tenants affected by the early termination may enter a renewed rental agreement.

Rent and Financial Liability

- Specifies the tenant does not incur early termination penalties or fees.
- Mandates the tenant to pay any rent owed, plus any outstanding debt, up to the date of termination. The amount due must be paid on or before the tenant vacates the residence.
- Allows the landlord to retain any rent that was prepaid through the month of termination.
- Prohibits the landlord from withholding a security deposit because of an early termination due to domestic violence.
- Maintains the landlord's right to withhold the security deposit to pay for damages or destruction to the property.
- Specifies that other tenants under the lease, except the offender if the offender is a tenant, are released from any financial obligations under the previously existing rental agreement.

Damages

- Holds a tenant who falsely files a protective order or police report liable for three times damages for early termination.
- Stipulates that a person named in a protective order or police report may be found civilly liable for economic losses incurred by the landlord for early lease termination. The civil liability includes unpaid rent, early lease termination fees, costs to repair damage or waivers of rent previously granted to the tenant.
- Specifies that a tenant who is a victim of domestic violence may recover damages for noncompliance by the landlord.

Lock Replacement

- Requires the landlord to change the locks upon request by the tenant, but specifies that the tenant must pay for the cost of installation.
 - Requires the locks to be rekeyed or replaced entirely with a lock of equal or better quality.
 - Allows the landlord to retain a copy of the key if the locks are changed.
 - Allows the landlord to refuse a copy of the key to the alleged domestic violence offender.

Access

- Requires the landlord to refuse access to the alleged domestic violence offender if the offender is a tenant of the residence and comes to reclaim personal property, unless escorted by a law enforcement officer.
- Prohibits the landlord from filing a forcible entry and detainer against the tenant if the notice requirements are met.
- Specifies if the notice requirements have not been met at the time forcible entry or detainer is filed, but are later met within 30 days, the judgments shall be set aside and the action dismissed with no penalty to the tenant.

SB 1247 – Chapter 194 – *support; maintenance; homestead exemption

Eliminates the homestead exemption when a judgment lien is in place because of unpaid child support or spousal maintenance payments. Clarifies that court ordered support constitutes a lien only when the debt is recorded as a judgment by the obligee, the lien is filed by the Department of Economic Security for child support at least 2 months in arrears, or the court assigns a specific security interest of the property for support. Finally, specifies that the court may consider payment of the unpaid child support or spousal maintenance with homestead monies at a contempt proceeding.

SB 1306 – Chapter 56 – CPS; confidential information

Mandates law enforcement agencies, before releasing Child Protective Services (CPS) records, to take reasonable precautions to protect the identity and safety of individuals reporting or potentially endangered by disclosure of CPS information. Stipulates that law enforcement is not required to disclose information.

SB 1357 – Chapter 166 – dissolution of marriage; attorney fees

Directs courts to make specific findings on fees and expenses awarded in child support and dissolution of marriage hearings. Findings are based on the parties' financial resources and reasonableness of position. Specifies the findings are made upon request of a party or another court, and allows the court to make the findings before, during or after an award has been issued.

SB 1424 – Chapter 58 – aggravated domestic violence

Increases the time period in which a person can be convicted of aggravated domestic violence from 5 years to 7 years.

SB 1555 – Chapter 212 – residency restrictions; schools; child care

Prohibits individuals convicted of Level 3 sex offenses committed against children from living within 1,000 feet of a school or child care facility. Classifies a violation as a Class 1 misdemeanor. Exempts individuals who have a pre-established residence within the restricted zone, are minors, are on probation, have had their civil rights restored, or have been out of prison and not committed any subsequent offenses for at least 10 years. Prohibits counties, cities or towns from enforcing more restrictive distance ordinances. Clarifies the meaning of *schools* and defines *child care facility*.

